

**Citizens for Truth  
c/o Herman Bernitt  
1819 Arlington Road  
Bloomington, IN 47404**

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2009 MAR -5 P 3:51

February 22, 2009

**VIA REGISTERED MAIL**

**Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination & Legal Administration  
Office of General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463**

**RE: MUR# 6164 Citizens for Truth**

Dear Mr. Jordan:

I am President of the above named organization and am responding to the complaint you forwarded to us. Please send any future correspondence to us at the above address. Citizens for Truth ("CFT") received the complaint on Wednesday, February 11, 2008. I have reviewed the complaint of the Democratic Congressional Campaign Committee ("DCCC") and find it just as full of fabrications and fantasy as the complaint filed by another sockpuppet of Baron Hill in 2006 (refer to MUR# 5845 filed in November 2006). Mr. Hill has apparently engaged new agents and surrogates to attack us after his ruthless falsehoods in 2006 were met forcefully with litigation (Ex. "A", Ex. "B"). I consent to the FEC making this matter public, EXCEPT that the phone records provided contain proprietary information and Baron Hill received them only for the purpose of the litigation in the Marion County (Indiana) Superior Court as directed by that Court UNLESS phone numbers unrelated to the complaint are COMPLETELY REDACTED. Any other use of those records is prohibited. The DCCC and Baron Hill released "drafts" of the complaint to local press outlets in the Ninth District (Ex. C, Ex. D) prior to filing, so the only effect of confidential filing would be to prevent my response from being made public. It is obvious that the DCCC and Baron Hill are attempting to score some political points and immunize themselves from further examination of Hill's record. I would like the public aware of the false and malicious nature of the DCCC filing.

For the record, Citizens for Truth and I, Herman Bernitt, completely deny the claims contained in the complaint, and, once again, point out the incredible nature of the

29044253018

allegations. In the 2004 election cycle, Citizens for Truth raised and spent only around \$16,000, and approximately the same in the 2006 election cycle. Still, Mr. Hill has complained bitterly and loudly about our small billboard buy, even claiming that our tiny expenditure cost him the 2004 election. It's preposterous to allege that the Sodrel campaign, which raised and spent several millions of dollars in each cycle would coordinate with a lightly funded startup with such a negligible effort such as ours.

I will address the allegations in the complaint individually by section:

**"A. FACTS"**

The CFT 527 filings are available from the IRS website and were provided to Baron Hill's attorneys during our recent litigation. It was the same litigation in which Baron Hill obtained my phone records which his surrogates in the DCCC attached to the complaint. The filings clearly show that CFT spent LESS THAN \$10,000 in the 2004 cycle and ABSOLUTELY ZERO in the 2006 cycle on radio ads. Mr. Wolff's assertion that CFT spent "more than \$10,000" in each cycle demonstrates that his allegations are either intentionally perjured or show such a knowing disregard for the truth as to call into question the veracity of anything else he states.

In regard to phone calls, firstly, without waiving any attorney-client privilege, Mr. Warf was my personal attorney and attorney for Citizens for Truth in 2006, filing both the civil complaints against Baron Hill and against his campaign committee (Ex. A, Ex. B) and CFT's response to the allegation in the 2006 MUR #5845. Mr. Warf is shown on the CFT 2006 IRS report as having received his first retainer from CFT in September 2006. I interviewed Mr. Warf personally prior to hiring him and his firm to represent CFT. I was assured that he has left the employ of the official office of Congressman Sodrel at the end of July 2006 and was not connected in any way with the 2006 Sodrel campaign. Since receiving the complaint, I have reviewed the record of Congressional staff salaries available at Legistorm.com (Ex. E) and find that Mr. Warf was last paid by that office in July 2006, confirming what I was told. I have also reviewed, since receiving the complaint, the 2006 filings of the Sodrel campaign and find no reference to Mr. Warf ever having been paid by it. Again, if Mr. Wolff can state that my attorney worked for the Sodrel campaign without perjuring himself yet again, then he is in possession of some secret information of which I am unaware and which he has not provided. All of the foregoing information is publicly available. Mr. Wolff's fabrications, again, indicate an intent to deceive the Commission, or a wanton and willful disregard for the truth. I am unaware of any law preventing me from speaking to my attorney, or for him to speak to me.

In regard to the other calls, I have known Mr. Crabtree for many years and spoke to him many times a week during those years. At no time, ever, have I spoken to Mr. Crabtree in any effort to co-ordinate the activities of CFT and the Sodrel campaign. I was

unaware that Mr. Crabtree was ever employed by the Sodrel campaign until after receiving the complaint. The idea of coordination is ludicrous on many levels. The Sodrel campaign, according to their FEC reports, was capable of purchasing their own ads. CFT did not ask for, or receive, any direction on how to conduct its advertising. Mr. Crabtree, as far as I was aware at the time, was acting only as Congressman Sodrel's Deputy Chief of Staff employed by Congress. I am a commercial real estate agent, and my client at that time was launching a new community hospital in Monroe County (Indiana) during the Fall of 2006. I made many calls to Mr. Crabtree around that time in regard to having Congressman Sodrel speak at the opening of the hospital. As you can see from the phone records, most calls were uncompleted (recorded as 1 minute). Congressman Sodrel declined my invitation to speak. If the DCCC is representing that anyone involved with a 527 activity is barred from petitioning their Congressman, or asking for constituent services, then they are ridiculous as well as malicious. Mr. Crabtree corroborates that there was no coordination (Ex. F).

In regard to Noah Sodrel, I have known former Congressman Sodrel's son since after his father's first race. We have spoken often since, but never in regard to coordinating CFT expenditures with the Sodrel campaign or any other entity. Based upon my personal knowledge, I do not believe that Noah Sodrel has ever been employed by, directed, or otherwise participated in his father's campaigns other than as a supporter. If the DCCC is representing that anyone involved with a 527 activity is barred from speaking to any friends who are relatives of a candidate then that is simply unconscionable and a misrepresentation of law. I have personal knowledge that no person coordinated any activity of CFT with any other entity or ever attempted to do so.

Regarding the Economic Freedom Fund ("EFF"), this is perhaps the most preposterous allegation of all. I made a single phone call to EFF to attempt to locate the address of their main contributor (whose name I no longer recall). I spoke to their voicemail, left a message, and heard nothing else whatsoever from them, never spoke to anyone and certainly did not engage in any coordination.

## **"B. LEGAL ARGUMENT"**

### **"1. Citizens for Truth Made, and Sodrel Accepted, an Illegal In-Kind Contribution"**

There is absolutely no credible evidence that anyone from Citizens for Truth engaged in any coordination activity with anyone from the Sodrel campaign. In fact, the evidence I have presented is overwhelming that Mr. Wolff perjured himself in making these allegations and that nothing occurred that is prohibited by the Act. Mr. Wolff's allegations, where they are not completely and utterly fabricated, are based on a ridiculous conspiracy theory alleging that people living in a small town knew each other so they must have been doing something prohibited. The allegation that a major multi-

million dollar Congressional campaign would coordinate with a 527 which raised and spent less than \$16,000 (and only about \$10,000 of that directly on advertising in 2006) is laughable on its face. The very overwhelming evidence is that Congressman Baron Hill is using agents, surrogates and other sockpuppets to execute a vendetta on an organization that he blames for his 2004 defeat.

**"2. EFF May Have Made, and Sodrel May Have Accepted, an Illegal In-Kind Contribution"**

This is for EFF and the Sodrel campaign to answer, however, neither I, Herman Bernitt, nor anyone connected with CFT, coordinated in any way with EFF or the Sodrel campaign. To the best of my personal knowledge, based on news reports, EFF had stopped any activity in the Ninth District months before my 2 minute call to their voicemail. That anyone would suggest that this is proof of anything demonstrates the cynical contempt that Mr. Wolff has for both truth and the Commission.

**"3. Citizens for Truth May Have Failed to Register as a Political Committee with the FEC"**

I am sure that CFT failed to do many things it was NOT required to do, however, CFT did do everything it WAS required to do. The rational evidence based on personal knowledge, rather than deliberate misrepresentations, is that CFT did not coordinate with the Sodrel campaign, therefore, CFT was NOT required to file with the FEC, and, on that basis, did not do so.

**"4. Sodrel and Citizens for Truth May have Failed to Properly Report Coordinated Communications"**

The DCCC and Wolff base this on a hypothetical, "[A]ssuming that Citizens for Truth's activities were coordinated with Sodrel, Sodrel was obligated to report the cost of the expenditures as a receipt and as an expenditure, and Citizens for Truth was required to report the communication as a contribution and as an expenditure." I suppose that if we assume any number of false concocted scenarios then DCCC and Baron Hill can seek to impose any number of requirements on those it regards as political enemies without regard to fact or what is actually required by law. As I have shown, no coordination occurred, and no other reporting than that mandated by the Internal Revenue Service was required.

**"4. (sic) Citizens for Truth May Have Failed to Report Expenditures to the FEC"**

As has been shown, CFT was not required to report to the FEC. Mr. Wolff and the DCCC has failed to make even the minimal showing of content or related expenditures

that constituted electioneering activity or electioneering communications. This allegation is simply untrue and untenable.

**C. Requested Action**

As I have shown, there is clear and substantial evidence that Complainants fabricated the facts of their allegations. Given the lack of evidence of any offense as defined by the Act, Respondent, CFT, requests the Commission to dismiss the DCCC complaint, to civilly sanction Brian L. Wolff for his perjured statements given under sworn oath to the Commission, and to refer him for criminal prosecution to the U.S. Attorney for violation of the criminal elements of 18 USC §1001 and any other criminal statutes violated, and to impose civil or other penalties, as applicable, on the DCCC for its deliberately fraudulent filing, and for all other remedies permitted by law for deliberately false, fraudulent or bad faith filings under the Act or any other applicable law. If it is determined that Mr. Wolff conspired with, or was directed by Congressman Hill, his attorney, or any other person, to file these false allegations then each should be referred for prosecution under 18 USC §371.

I affirm under the penalties for perjury that the foregoing stated facts are true and correct to the best of my knowledge and belief.

  
Herman (Bud) Bernitt, CFT President

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

SS:

Before me, the undersigned, a Notary Public in and for Brevard County, State of Fla., personally appeared Herman Bernitt this 25 day of February, 2009, and acknowledged that the execution of the foregoing instrument was his voluntary act.

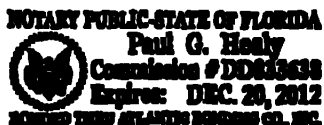
  
NOTARY PUBLIC

My commission expires:

12/20/12

Paul G Healy  
Name printed

Brevard  
County of Residence



29044253022

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

IN THE MARION SUPERIOR COURT  
CAUSE NO. 49D03-0611-CC-046147-5 P 3 51

HERMAN BERNITT,

Plaintiff,

v.

INDIANA DEMOCRATIC PARTY,  
JENNIFER WAGNER,  
DANIEL J. PARKER,  
COMMITTEE TO BRING BACK BARON,  
MICHAEL LEONARD,  
Defendants.

**COMPLAINT**  
**AND JURY DEMAND**

COMES NOW Plaintiff, Herman Bernitt ("Bernitt"), by counsel, for his claims for relief against Defendants and states as follows:

1. Defendant Indiana Democratic Party ("Democrats") is a political party operating within the State of Indiana with its principal offices in Indianapolis, Indiana.
2. On information and belief, Defendant Jennifer Wagner ("Wagner") is an individual residing in Indianapolis, Indiana.
3. On information and belief, Defendant Daniel J. Parker ("Parker") is an individual residing in Indianapolis, Indiana.
4. Defendant Committee to Bring Back Baron ("Baron") is a political campaign with its principal offices in Seymour, Indiana.
5. On information and belief, Defendant Michael Leonard ("Leonard") is an individual residing in Bloomington, Indiana.

6. Plaintiff Herman Bernitt ("Bernitt") is an individual residing in Bloomington, Indiana and is the president of "Citizens for Truth," a political group registered with the I.R.S. pursuant to I.R.C §527.

7. All events alleged herein took place in the State of Indiana.

### **COUNT I**

#### **DEFAMATION PER SE**

8. All of the foregoing allegations are herein incorporated.

9. On or around September 28, 2006, Defendants Democrats, Wagner, and Parker, defamed Bernitt by accusing him of conspiracy to violate the Federal Election Code and of criminal violations of the law of this State with regard to false reporting.

10. Defendant Wagner repeated and expanded her allegations against Bernitt on WFHB radio in Bloomington.

11. Defendant Parker repeated the allegations to various media.

12. Defendant Wagner repeated the allegations to various media, on "weblogs," and on Internet web pages.

13. Defendant Leonard in a newspaper column on September 19, 2006 referred to Bernitt as "Dirty Bud Bernitt and his Nixonesque plumbers," a reference to the conspirators who burglarized DNC offices in the Watergate complex.

17. On October 17, 2006 in a column by Leonard, Defendant Leonard repeated the defamation by Defendants Democrats, Wagner and Parker and made his own new allegations of conspiracy to violate Federal Election Laws.

18. Defendant Baron on or around October 22, 2006 launched a webpage, shamesonsodrel.com, that republished the allegations of other Defendants and made additional allegations of conspiracy to violate Federal Election Laws against Bernitt and others.

19. All of the allegations of crimes and misconduct made or published by Defendants constitute Defamation *Per Se*.

20. Defendants' actions in making these false statements were intentional and malicious, and they knew, or should have known their statements were false.

## **COUNT II**

### **DEFAMATION PER QUOD**

21. All of the foregoing allegations are herein incorporated.

22. Any of Defendants' statements concerning the Plaintiff that do not constitute Defamation *Per Se* constitute Defamation *Per Quod*.

23. Defendants' statements concerning Plaintiff at all times material were defamatory.

24. Defendants' statements regarding Plaintiff were false and malicious and intended to lower the Plaintiff in the community's esteem and deter others from dealing or associating with him.

25. Plaintiff has suffered reputational and pecuniary damage, loss of business, and other harm due to the intentional and unwarranted actions of the Defendants.

### **JURY DEMAND**

26. A Jury Trial is demanded

WHEREFORE, for the foregoing reasons, Plaintiff prays from this Court for judgment against Defendants and for damages, attorney fees and costs, and, in addition, for damages against the



Defendants for their intentional conduct sufficient to punish them and to deter others from similar conduct, and for all other relief just and proper in the premises.

Respectfully Submitted,

---

WAYNE J. WARF  
DAVIS & SARBINOFF, LLP  
9000 Keystone Crossing, Suite 660  
INDIANAPOLIS, INDIANA 46240  
Direct Dial: (317)569-1205  
Telefax: 1(317)569-1293

*Attorney for Plaintiff.*

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COURT

STATE OF INDIANA )  
 ) SS:  
COUNTY OF HAMILTON )

IN THE HAMILTON SUPERIOR COURT  
CAUSE NO. 29D03-0611-P-1006-5 P 3 51

CITIZENS FOR TRUTH, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
PEAK OUTDOOR ADVERTISING, INC., )  
and )  
COMMITTEE TO BRING BACK BARON )  
Defendants. )



**COMPLAINT**  
**AND JURY DEMAND**

COMES NOW Plaintiff, Citizens for Truth ("CFT"), by counsel, for its claims for relief against Defendant, Peak Outdoor, Inc. ("Peak"), and against Defendant, Committee to Bring Back Baron ("Baron"), states as follows:

1. Defendant Peak is an Indiana corporation with its registered address in Noblesville, Indiana.
2. Defendant Baron is a political campaign group registered with the Federal Election Commission with offices in Seymour, Indiana.
3. Plaintiff, Citizens for Truth, is a political group organized under I.R.C. 527.
4. All events giving rise to this action took place within Indiana.
5. Defendant Peak is in the business of renting billboards for advertising.
6. A copy of the contract is attached as Plaintiff's Exhibit "A."
7. A true and original copy of an email from Peak's agent to CFT's agent is attached as Plaintiff's Exhibit "B."

29044253027

29044253028

## **COUNT I**

### **BREACH OF CONTRACT AGAINST PEAK**

8. All of the foregoing allegations are herein incorporated.
9. CFT sought to enter into a contract for billboards with Peak.
10. CFT notified Peak that time was of the essence.
11. Peak demanded advance copy of the advertisements and CFT complied.
12. For over a week CFT made changes to copy art to comply with Peak's demands.
13. Peak eventually approved all copy art and approved the contract.
14. Thereafter Peak breached the contract after providing CFT's ad copy to Baron without CFT's approval.
15. Peak's actions caused substantial delay and harm to CFT.
16. Because of Peak's unwarranted actions CFT was unable to launch as large an ad campaign and were required to buy billboard space in less desirable locations or at increased prices for less period of time.
17. Because of Peak's actions, CFT was delayed in its pre-election ad campaign.
18. Because of Peak's actions, CFT is entitled to compensatory, incidental, and consequential damages.

## **COUNT II**

### **INTENTIONAL INTERFERENCE IN CONTRACT BY BARON**

19. All of the foregoing allegations are herein incorporated.
20. After CFT's ad copy was provided to Baron, Baron intentionally interfered with the contract and sought to have Peak breach the contract.
21. Peak did breach the contract and cited Baron's interference as the reason.

22. Baron's actions were intentional with the motive to cause harm to CFT.
23. CFT was harmed by Baron's actions.
24. Because of Baron's actions, CFT is entitled to damages.

**JURY DEMAND**

25. A Jury Trial is demanded.

WHEREFORE, for the foregoing reasons, Plaintiff prays from this Court for judgment against Defendant and compensatory damages; direct, consequential, and incidental; and further for punitive damages sufficient to punish Defendants for their intentional actions, and to deter others from the same conduct.

Respectfully Submitted,

---

WAYNE J. WARF  
DAVIS & SARBINOFF, LLP  
9000 Keystone Crossing, Suite 660  
INDIANAPOLIS, INDIANA 46240  
Direct Dial: (317)569-1205  
Telefax: 1(317)569-1293

*Attorney for Plaintiff.*

# Legistorm: Transparency's Sidekick

Compensation Management  
Align Employee Compensation With Performance. Get Free  
Whitepaper.  
SunTotalSystem.com/Compensation

Congress On the Go  
Access staff lists, email addresses phone numbers, notes from  
your FDA  
www.knowledge.net

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF FEDERAL  
ELECTIONS

2009 MAR -5 P 3:52

Wayne J Warf, Congressional Staffer - Salary Data  
Alternate Name: None - Suggest an alternate name  
Close



- Salaries
- Tips
- Personal Expenses
- Foreign Gifts

List by: Fiscal Year

Employing Office	Start date	End date	Position	Amount	Notes
Rep. Michael Solari (D-Illinois-9th)	07/01/06	07/31/06	Legislative Counsel	\$8,953.33	
Rep. Michael Solari (D-Illinois-9th)	04/01/06	06/30/06	Legislative Counsel	\$13,298.00	
Rep. Michael Solari (D-Illinois-9th)	01/03/06	03/31/06	Legislative Counsel	\$14,911.11	
Rep. Michael Solari (D-Illinois-9th)	01/01/06	01/03/06	Legislative Counsel	\$339.88	
Rep. Michael Solari (D-Illinois-9th)	10/01/05	12/31/05	Legislative Counsel	\$13,298.00	
FY 2006 subtotal				\$60,832.31	
Rep. Michael Solari (D-Illinois-9th)	07/01/05	06/30/05	Legislative Counsel	\$13,298.00	
Rep. Michael Solari (D-Illinois-9th)	04/01/05	06/30/05	Legislative Counsel	\$13,298.00	
Rep. Michael Solari (D-Illinois-9th)	01/03/05	03/31/05	No Title Listed	\$14,911.11	
FY 2005 subtotal				\$41,506.11	

Congressional staff salaries shown are the amount paid in the period shown. They are not annual salaries. Because bonuses may be included here and other payments may not be (most notably with aides working for multiple offices or for a political campaign committee), please use caution in extrapolating annual salaries from the figures shown here.

We have taken great care to have this website reflect the official record, but we have discovered a handful of errors both in the official record and our own transcription. If you believe our information is in error, please let us know so we can fix it as soon as possible. We take accuracy very seriously.

Join Robert for the U.S. Senate  
Our Party Controls No Way! Join  
Ray's Campaign Team.  
www.RayTeam.com

Investment Advisor? The  
Real System That Converts 40  
Times With Only \$795 Startup. No  
Sales!  
Holding1000Investors.com

Join Me as an MBA  
Advance your career - earn a  
degree in Accounting completely  
online.  
www.newdegrees.info

PharmD Through Business  
Accredited Health Services  
Programs At The University Of  
Phoenix  
www.Phoenix4Uhr.com

Ads by Google

## Comments

No comments for this page

Name (optional)